

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

James Lee Stewart, et al.,

NO. C 07-04061 JW

Plaintiffs,

**ORDER TO SHOW CAUSE RE:
DISMISSAL**

v.

Leland Stanford Junior University,

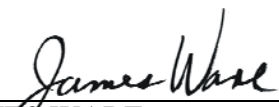
Defendant.

On September 14, 2010, the Court issued an Order Adopting in part Magistrate Judge Trumbull's Report and Recommendation. (hereafter, "Order," Docket Item No. 133.) In its Order, the Court specifically required Plaintiffs to "obtain, serve and file a declaration of a current union representative with the authority to approve that Mr. Zavodnick may serve as counsel of record for the Union in this case," and file such declaration on or before September 24, 2010. (Order at 3.) The Court warned Plaintiffs that "failure to comply with this Order may warrant further monetary sanctions or termination sanctions for lack of prosecution pursuant to Fed. R. Civ. P. 41(b)." (Id.)

To date, nearly two weeks after the September 24 deadline, Mr. Zavodnick, counsel for Plaintiff Stewart and purported counsel for the Union has failed to comply with the Court's Order or otherwise communicate with the Court. This failure appears to be consistent with Plaintiffs and counsel previous discovery violations found to be sanctionable by Judge Trumbull.

Accordingly, **October 18, 2010 at 9 a.m.** Plaintiffs shall appear to show cause why this action should not be dismissed for lack of prosecution.

Dated: October 7, 2010


JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Carol Capri Copsey ccopsey@gordonrees.com
3 Michael Terence Lucey mlucey@gordonrees.com
4 Steven Daniel Zavodnick szavodnick@verizon.net

5 **Dated: October 7, 2010**

Richard W. Wieking, Clerk

7 **By: /s/ JW Chambers**
8 **Elizabeth Garcia**
9 **Courtroom Deputy**